

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re	Chapter 9
CITY OF DETROIT, MICHIGAN,	Case No. 13-53846
Debtor.	Hon. Thomas J. Tucker

**CERTIFICATION OF NO RESPONSE OR OBJECTION REGARDING CITY OF
DETROIT'S MOTION TO (A)(1) VOID THE CASE EVALUATION AWARD
AND SCHEDULING ORDER OBTAINED BY PLAINTIFF CLARENCE HAYNES IN
VIOLATION OF THE AUTOMATIC STAY; AND (2) REQUIRE ENTRY OF NEW
SCHEDULING ORDER IN STATE COURT ACTION; OR, ALTERNATIVELY,
(B) STAY STATE COURT ACTION PENDING RESOLUTION OF THIS MOTION IF
THE COURT DETERMINES THAT FURTHER BRIEFING IS NECESSARY**

On July 20, 2015, the City Of Detroit ("City") filed its Motion to (A)(1) Void the Case Evaluation Award and Scheduling Order Obtained by Plaintiff Clarence Haynes in Violation of the Automatic Stay; and (2) Require Entry of New Scheduling Order in State Court Action; or, Alternatively, (B) Stay State Court Action Pending Resolution of this Motion if the Court Determines that Further Briefing is Necessary ("Motion"). [Doc. No. 10073]. The Motion was served via first class mail and electronic mail upon counsel for Clarence Haynes on the same date. *See Certificate of Service Exhibit A.*

No response or objection to the Motion was filed with the Court and the time to do so has passed. The City respectfully requests that the Court enter an order in substantially the same form as the one which was attached to the Motion. *See Proposed Order Exhibit B.*

Respectfully submitted,

By: /s/ Marc N. Swanson
Jonathan S. Green (P33140)
Marc N. Swanson (P71149)
MILLER, CANFIELD, PADDOCK AND
STONE, P.L.C.
150 West Jefferson, Suite 2500
Detroit, Michigan 48226
Telephone: (313) 496-7591
Facsimile: (313) 496-8451
green@millercanfield.com
swansonm@millercanfield.com

Charles N. Raimi (P29746)
Deputy Corporation Counsel
City of Detroit Law Department
2 Woodward Avenue, Suite 500
Coleman A. Young Municipal Center
Detroit, Michigan 48226
Telephone: (313) 237-5037
Facsimile: (313) 224-5505
raimic@detroitmi.gov

ATTORNEYS FOR THE CITY OF DETROIT

DATED: August 10, 2015

Exhibit A

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re: City of Detroit, Michigan, Debtor.	Bankruptcy Case No. 13-53846 Honorable Thomas J. Tucker Chapter 9
---	---

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 20, 2015, the foregoing Motion to (A)(1) Void the Case Evaluation Award and Scheduling Order Obtained by Plaintiff Clarence Haynes in Violation of the Automatic Stay; and (2) Require Entry of New Scheduling Order in State Court Action; or, Alternatively, (B) Stay State Court Action Pending Resolution of this Motion if the Court Determines that Further Briefing is Necessary was filed and served via the Court's electronic case filing and notice system and upon counsel as listed below, via first class mail and electronic mail:

Scott R. Reizen
The Reizen Law Group
333 W. Seventh Street, Suite 360
Royal Oak, MI 48067
scott@reizenlaw.com

DATED: July 20, 2015

By: /s/ Marc N. Swanson
Marc N. Swanson
150 West Jefferson, Suite 2500
Detroit, Michigan 48226
Telephone: (313) 496-7591
Facsimile: (313) 496-8451
swansonm@millercanfield.com

Exhibit B

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re: City of Detroit, Michigan, Debtor.	Bankruptcy Case No. 13-53846 Honorable Thomas J. Tucker Chapter 9
---	---

[PROPOSED] ORDER GRANTING CITY OF DETROIT'S MOTION TO (A)(1) VOID THE CASE EVALUATION AWARD AND SCHEDULING ORDER OBTAINED BY PLAINTIFF CLARENCE HAYNES IN VIOLATION OF THE AUTOMATIC STAY; AND (2) REQUIRE ENTRY OF NEW SCHEDULING ORDER IN STATE COURT ACTION; OR, ALTERNATIVELY, (B) STAY STATE COURT ACTION PENDING RESOLUTION OF THIS MOTION IF THE COURT DETERMINES THAT FURTHER BRIEFING IS NECESSARY

This matter, having come before the court on the City of Detroit's Motion to (A)(1) Void the Case Evaluation Award and Scheduling Order Obtained by Plaintiff Clarence Haynes in Violation of the Automatic Stay; and (2) Require Entry of New Scheduling Order in State Court Action; or, Alternatively, (B) Stay State Court Action Pending Resolution of this Motion if the Court Determines that Further Briefing is Necessary ("Motion"), upon proper notice and a hearing, the Court being fully advised in the premises, and there being good cause to grant the relief requested,

IT IS HEREBY FOUND AND CONCLUDED THAT:

- A. Clarence Haynes violated the automatic stay by filing a complaint and commencing case number 14-009320, in Wayne County Circuit Court, Michigan ("State Court Action").
- B. Clarence Haynes violated the automatic stay by obtaining a scheduling order in the State Court Action.

C. Clarence Haynes violated the injunction set forth in the City of Detroit's Eighth Amended Plan for the Adjustment of Debts of the City of Detroit (October 22, 2014) by pursuing and obtaining a case evaluation award against the City in the State Court Action.

ACCORDINGLY, THE COURT ORDERS THAT:

1. The Motion is granted.
2. The case evaluation award obtained by Clarence Haynes in the State Court Action is void.
3. The scheduling order entered in the State Court Action is void.
4. Within five days of the entry of this Order, Clarence Haynes shall set aside, or cause to be set aside, the case evaluation award in the State Court Action.
5. Within five days of the entry of this Order, Clarence Hayes shall stipulate to the entry of a new scheduling order in the State Court Action, which allows the City a reasonable amount of time to conduct discovery.
6. The Court shall retain jurisdiction over any and all matters arising from the interpretation or implementation of this Order.